

EXHIBIT 3

Expert Report of Robert J. Flummerfelt

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June 27, 2019

LaTeigra C. Cahill, Esq.
Randazza Legal Group, PLLC
2764 Lake Sahara Drive, Suite 109
Las Vegas, NV 89117

Re: Subject : Universal Life Church v. Clark County NV, et al.
Case No. : 2:18-cv-02099-RFB-PAL

Dear Ms. Cahill, Esq.,

Pursuant to your recent request, I have completed my analysis of the above-referenced case regarding Plaintiff Universal Life Church Monastery, aka Universal Life Church v. Defendants Clark County, Nevada; Lynn Marie Goya (in her official capacity as Clark County Clerk); Steve Wolfson (in his official capacity as the Clark County District Attorney); Jane Doe; John Roe; and Jane Poe.

INTRODUCTION

This opinion addresses whether the Universal Life Church Monastery (henceforth “Universal Life Church”) is a religion and upon what basis that opinion rendered. Furthermore, if the Universal Life Church is a religion, this analysis will address if this religion demonstrates typical characteristics of other religions through various externally manifested rituals, including weddings.

BASIS OF ANALYSIS

1. A review of the provided Verified 42 U.S.C. § 1983 Complaint for Declaratory Relief, Injunctive Relief and Damages, filed on November 1, 2018.
2. A review of the provided Exhibits 1 through 14 to Plaintiff's Verified Complaint, filed on November 1, 2018.

ULCM000360

3. A review of the provided Defendants Clark County, Lynn Marie Goya and Steve Wolfson (in their official capacities) answer to Plaintiff's Complaint (Jury Demand), filed on November 26, 2018.
4. A review of the provided documents Bates labeled ULCM000075 through ULCM000079.
5. A review of the provided document Bates labeled ULCM000142.
6. A review of the provided documents Bates labeled ULCM000278 through ULCM000279.
7. A review of the provided documents Bates labeled ULCM000296 through ULCM000298.
8. A review of the provided documents Bates labeled ULCM000299 through ULCM000301.
9. Review of the Church Official Website: www.themonastery.org.

DOCUMENT REVIEW AND ANALYSIS

The Universal Life Church Monastery (henceforth "Universal Life Church") is a religion arising from the Protestant Christian tradition. Historically, any faith or Church found within this tradition has as its historical basis either the Church of England (circa 1534 AD) or Lutheran Church founding (circa 1517 AD). Both the Church of England and Lutheran Church were formed from the Catholic Church which attributes its beginning in 33 AD. Over time, Protestant Churches/denominations grew out from either the Church of England or Lutheran Church thereby forming the beginning of the Protestant tradition. Definite attributes of each Christian Tradition centered on a common prayer, Liturgy and common beliefs. Over time, members had disagreements about aspects of the faith or church governance and created different expressions of that Christian faith, e.g. Baptists, Presbyterians, Episcopalians, Methodists, etc. With each new expression came a revised form of worship and belief for each. This process of forming a new expression of faith and

worship has continued to develop over time to various different expressions of faith and practice. The Universal Life Church shares many attributes consistent with other Christian denominations and reflects a Christian ethos, mindset and perspective in its teaching and practice. The Universal Life Church is similar to the Unitarian/Universalist Church in belief and practice.

There are multiple factors, which demonstrate that the Universal Life Church is a Religion. Specifically, in reviewing the official Church website, it is clear that the religion has a religious ethos, perspective and mindset consistent with many components of the Christian tradition. Language used throughout its website is of Christian derivation. *Universal* refers to an ecumenical mindset that is all inclusive and open to different expressions of faith. *Life* is a word rooted in the Christian tradition due to its reference throughout the Christian Bible in the New Testament. *Church* is a religion-specific word for a group, membership or common faith of a religion's members.

In addition, in evaluating this Religion in the Protestant Christian tradition, it is important to note this Religion's location in each comparative spectrum within Christianity. Specifically, regarding orthodox theology, with Orthodox Christianity and the Catholic Church as having a high level of theological doctrinal uniformity, again, like the Unitarian/Universalist Church, the Universal Life Church is not a heavily doctrinally oriented religion; instead, it is clearly a low doctrinally oriented religion.

Another key determinative spectrum within Christianity is level of hierarchy versus self-governance/autonomy for each member or ordained member. At one end of the spectrum is the Catholic Church, with a very high level of institutional organization and authority with one singular human leader who can exercise authority over the entire Church in the Office of the Pope of Rome. At the other end of the spectrum of a very decentralized, non-hierarchical, non-norm-based faith for the purposes of structure, governance and order is the Universal Life Church, which does not share the attributes of a highly centralized, hierarchical religious institution.

A final spectrum within Christianity that should be evaluated is the level of liturgy or form of worship. At the high end is the Orthodox Church Liturgy of Saint John

Chrysostom, which is highly ritualized, specific and ancient, from the 6th Century A.D., originating in large part from the Liturgy of Saint Basil the Great from the 4th Century A.D. The Catholic Church has multiple forms of worship, including for some of its Eastern Catholic Churches, the same Liturgy as the Orthodox Churches, but the predominant form of worship is their Mass or Eucharist, which is similar to many so-called high Church Protestant forms of worship, e.g. for Anglican, Episcopalian, Lutheran Churches. At the other end is no specific form of worship, which is reflected by the Universal Life Church. Each of these three (3) spectra noted above can be either highly developed or a very low level of development but are authentically within the Christian tradition qualifying the Universal Life Church as within Protestant Christian tradition.

Moreover, the main ethos for the Universal Life Church is found in the *Desiderata*,¹ which has throughout clear religious teaching and guidance for followers of the Universal Life Church. Moreover, The Universal Life Church teaches in the equality of all humankind noting, "we are all children of the same universe"² as the core belief of the Universal Life Church. Furthermore, there are two key tenets of the Universal Life Church, i.e., "do only that which is right,"³ (which is consistent with the Christian Natural Law theory of morality) and, "every individual is free to practice their religion in the manner of their choosing, as mandated by the First Amendment, so long as that expression does not impinge upon the rights or freedoms of others and is in accordance with the government's laws."⁴

Through this expression of their two key tenets, the Universal Life Church shares a strong Christian ethos while also showing religious respect and deference for the First Amendment to the U.S. Constitution, thereby acknowledging as a religious tenet the intertwined history of the United States from its inception with the tenet of freedom of

¹ <https://www.themonastery.org/desiderata>

² <https://www.themonastery.org/>

³ <https://www.themonastery.org/aboutUs>

⁴ Ibid.

religion. **As a result, I conclude with certainty that the Universal Life Church is unequivocally a religion.**

In addition to concluding that the Universal Life Church is a religion, it is important to also discuss a main part of the expression of that religion in everyday life throughout the world. The Universal Life Church also has at least 20 million ordained members.⁵ Those ordained members are authorized by the Church to officiate at weddings throughout the world as well as baptize and preside over funeral services. In order to become an ordained minister, the Universal Life Church requires individuals to follow its process for becoming ordained.⁶

If someone attempts to become ordained without following the internal process of the Universal Life Church, the Church may determine that the ordination is invalid. In addition, if the Church determines that someone is not acting consistent with its tenets, an ordained minister may have his/her good standing revoked. Such actions would be determined by the Board governing the Universal Life Church. Through these steps, the Universal Life Church has a process for accepting, vetting and ordaining members. Through ordination, a member can celebrate various religious rituals including baptism, preside over funerals or officiate at weddings. These practices and rituals are entirely consistent with other religions throughout the world and remain again consistent with Christian religious tradition as well. The quality, duration and manner of formation for preparation for ordination is determined by each individual religion as with the Universal Life Church.⁷

Through this expression of its faith, ordained members are permitted to celebrate marriage as both ministers recognized for marriage before their faith and before the state, regardless of the manner of becoming an ordained member of the Universal Life Church. **As a result, I also unequivocally conclude with certainty that the ability for its 20 million ordained ministers to be able to officiate at weddings, perform baptisms, and**

⁵ <https://www.themonastery.org/>

⁶ <https://www.themonastery.org/ordination>

⁷ <https://www.themonastery.org/ordination>

preside over funerals is an integral part of the Universal Life Church's practice of the tenets of its religion.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert J. B. Flummerfelt". The signature is written in a cursive style with a large, stylized "F" and a long horizontal stroke extending to the right.

Robert J. B. Flummerfelt

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My Fee Schedule for expert services is as follows:

Fees Relating to File Reviews:

- *Initial Retention Fee (first 6 hours at \$275/hour) \$1,650.00
- *Subsequent work past the initial retainer \$275 per hour
- *All subsequent hourly work will be billed at tenths of an hour (ex. .10, .20, and so on)
- *includes all case/file review, consulting, and writing of expert opinions

Deposition Appearance Fees:

\$425 per hour

- *Four (4) hour minimum for deposition appearances

Court Appearance Fees:

\$425 per hour

- *Four (4) hour minimum for trial appearances

Travel Expenses:

\$125 per hour (travel time)

- *travel expenses actually incurred, such as lodging, reasonable meals, and flight/driving costs from Las Vegas, Nevada to the location of the case, shall be reimbursed

Refund Policy for Above Services

- *Full refund only if cancelled 7 days prior
- *1/2 refund if cancelled more than 48 hours prior
- *No refund if cancelled less than 48 hours prior

Respectfully,



Robert J.B. Flummerfelt

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ARBITRATIONS, DEPOSITIONS AND TRIALS AS OF JUNE 26, 2019

DATE	CASE	CLIENT
03/21/2012	Troy J. Merryfield, et al. v. Diocese of Green Bay <i>Written Expert Affidavit</i>	Patrick W. Brennan, Esq. Crivello Carlson, S.C.
10/22/2012	John Doe 119 v. Roman Catholic Bishop of Las Vegas, et al. <i>Trial Testimony</i>	Peter A. Mazzeo, Esq. Barron & Pruitt, LLP
07/01/2013	State of California v. Rev. Uriel Ojeda <i>Trial Testimony</i>	Jesse Ortiz, Esq. Ortiz Law Group, PC
07/12/2016	Travelers Casualty and Surety Company v. The Hartford Roman Catholic Diocesan Corporation <i>Deposition</i>	Lars A. Dyrszka, Esq. Drinker Biddle & Reath, LLP

Respectfully,



Robert J.B. Flummerfelt

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